

09-8-04

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2188  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:

Donald C. Englin et al.

Serial No.: 09/651,597

Examiner: P. Vital

Filing Date: August 30, 2000

Group Art Unit: 2188

For: METHOD FOR AVOIDING DELAYS DURING SNOOP REQUESTS

Docket No.: 33012/290/101

**REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 332 555 150 US, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 7th day of September, 2004.

By \_\_\_\_\_  
Carolyn I. Erickson

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
  - iii. ☐ Other
- b. ☒ Enclosed
  - i. ☒ Preliminary Amendment
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for

09/09/2004 WABDELRI 00000010 09651597

770-00 OP  
172-00 OP  
90-00 OP

01 FE-1801  
02 FC-1801  
03 JC-1202

a period of \_\_\_\_\_ months.

b. ☐ Other

3. **Fees**

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-0620.

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee

iii. ☐ Other: Additional Independent Claim

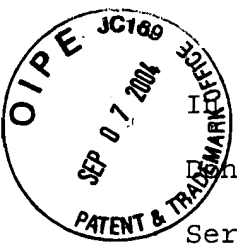
b. ☒ Check in the amount of \$ 1,142.00 enclosed

By: \_\_\_\_\_

Wayne A. Sivertson

Reg. No. 25,645

NAWROCKI, ROONEY & SIVERTSON, P.A.  
Suite 401, Broadway Place East  
3433 Broadway Street N.E.  
Minneapolis, Minnesota 55413  
Telephone: (612) 331-1464  
Facsimile: (612) 331-2239



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Issue Application of:

Donald C. Englin et al.

Serial No.: 09/651,597

Examiner: P. Vital

Filing Date: August 30, 2000

Group Art Unit: 2188

For: METHOD FOR AVOIDING DELAYS DURING SNOOP REQUESTS

Docket No.: 33012/290/101

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, as "Express Mail Post Office to Addressee" Mailing Label No. EV 332 555 150 US

9-7-04

  
Carolyn I. Erickson

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):
  - i. ☒ Prior to abandonment of the application
  - ii. ☐ Payment of the issue fee  
☐ Prior to payment of issue fee

09/09/2004 #ABDELRI 00000010 09651597

770.00 DP  
172.00 DP  
90.00 DP

01 FC:1801  
02 FC:1201  
03 FC:1202

09/09/2004 #ABDELRI 00000010 09651597

110.00 DP

04 FC:1251

☐ Issue fee has been paid but a petition under § 1.313 has been granted

iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences

☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.

iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or

☐ Commencement of a civil action under 35 U.S.C. 146

☐ Prior to the filing of such appeal or commencement of civil action

☐ Such appeal or commencement of civil action has been terminated

#### **ENCLOSURES**

3. Enclosed herewith is/are:

☐ An information disclosure (37 C.F.R. § 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☒ A Preliminary Amendment

☐ New arguments

☐ New evidence in support of patentability

☐ Other:

#### **FEE FOR REQUEST (37 C.F.R. § 1.17(e))**

4. This application is on behalf of:

☐ Small entity (and status is still as small entity)  
\$385.00

☒ Other than a small entity  
\$770.00

5. The fee for claims (37 C.F.R. § 1.16(b) - (d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
BASIC FEE				\$385		\$770
TOTAL CLAIMS	25-20 =	5	x9=	\$	x18=	\$ 90
INDEPENDENT CLAIMS	5 -3 =	2	x43=	\$	x86=	\$172
( ) MULTIPLE DEPENDENT CLAIM PRESENTED			+145=	\$	+290=	\$
TOTAL			\$		\$1,032.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☒ Total additional fee required is \$ 262.00.

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than <u>small entity</u>	Fee for small <u>entity</u>
<input checked="" type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$420.00	\$210.00
<input type="checkbox"/> three months	\$950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee: \$ 110.00

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now

requested.

Extension fee due with this request \$ 110.00

OR

- (b) ☐ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ <u>262.00</u>
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$ <u>110.00</u>

Total Fee(s) Due \$ 1,142.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,142.00
- ☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_
- ☒ Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:  
☐ being filed

☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

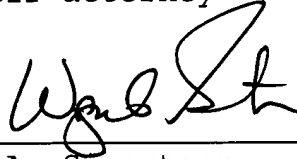
Respectfully submitted,

Donald C. Englin et al.

By their attorney

Date

Sept 7, 2004



Wayne A. Sivertson

Reg. No. 25,645

NAWROCKI, ROONEY & SIVERTSON, P.A.

Suite 401, Broadway Place East

3433 Broadway St. N.E.

Minneapolis, MN 55413

(612) 331-1464



P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Donald C. Englin et al.	)	Examiner P. Vital
	)	
Serial No. 09/651,597	)	Group Art Unit 2188
	)	
Filing Date: 08/30/00	)	
	)	Docket No. 33012/290/101
	)	
For: METHOD FOR AVOIDING	)	<u>PRELIMINARY AMENDMENT</u>
DELAYS DURING SNOOP	)	
REQUESTS	)	

Mail Stop RCE  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

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By Carolyn I. Erickson